

REMARKS

Claims 1, and 3-17 are pending in the application. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

The allowance of claim 13 is noted with appreciation.

II. SPECIFICATION AND DRAWING AMENDMENTS

The reference numerals in Figs. 6A, 6C, and 6D have been amended to distinguish first elastics F1 from the second elastics F2, and the second web W2 from the third web W3. The paragraph beginning on page 17, line 22 has been amended to reflect the changes made to the figures. These amendments are not believed to constitute new matter, but are provided simply to improve readability.

III. CLAIM AMENDMENTS

Claims 1, 8, 10, and 12 have been amended. Claim 2 has been canceled. Claims 14-17 have been added.

IV. REJECTION OF CLAIMS 1-4 AND 8-12 UNDER 35 USC §102(b)

Claims 1-4 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,297,157 to Van Vliet ("Van Vliet"). Withdrawal of the rejection is requested for at least the following reasons.

As amended, independent claim 1 sets forth a method for producing an article comprising, *inter alia*, a supply step of supplying an elastic material, a separating step of cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and a changing step of changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state. An elastic piece is then transferred to a web. These features have not been found in Van Vliet, or any of the other references applied by the Examiner.

Support for such amendment is found, for example, in Fig. 3A where the stretched state of the cut-off elastic F is maintained on the pads Pi (e.g., via suction holes or the like) while the spacing of the pads Pi is changed (see also page 11, lines 15-22).

Van Vliet discloses an applicator 2 for placing elastic strips on articles such as garments. A continuous ribbon 23 of tensioned elastic is gripped sequentially by two clamping means 10 and 12. The elastic is stretched and severed from the main body of elastic material between the clamping means 10 and 12. One or both clamping means 10 and/or 12 may be movable to adjust the length of the elastic unit and control the position where it is applied to the article. See abstract.

As seen in Fig. 16 of Van Vliet reproduced below, Van Vliet does not change the interval between two adjacent pieces of elastic while the pieces are in the stretched state. In contrast to the claimed invention, Van Vliet relaxes the pieces of stretched elastic to change the interval between adjacent pieces. This is best seen by comparing elastic piece 26-1 to elastic piece 26-6 in the figure below.

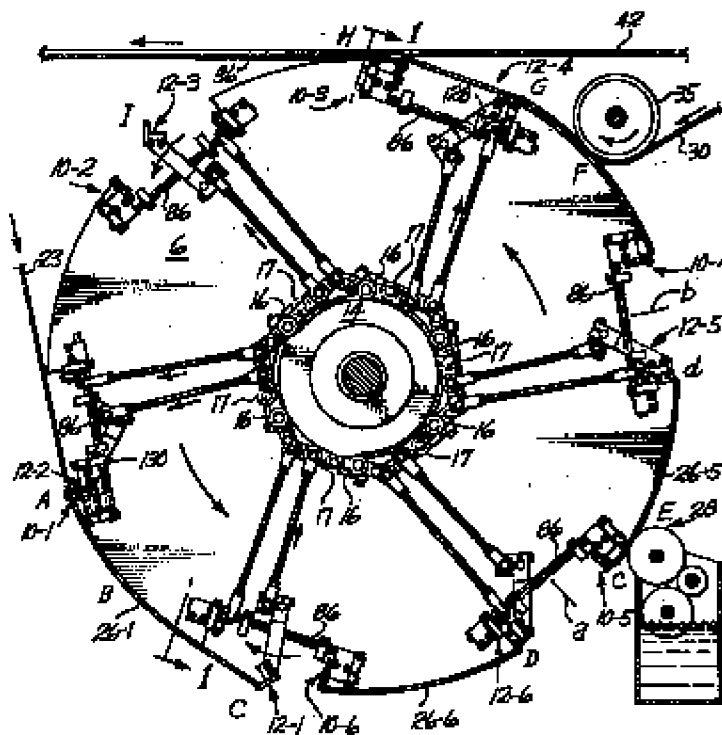


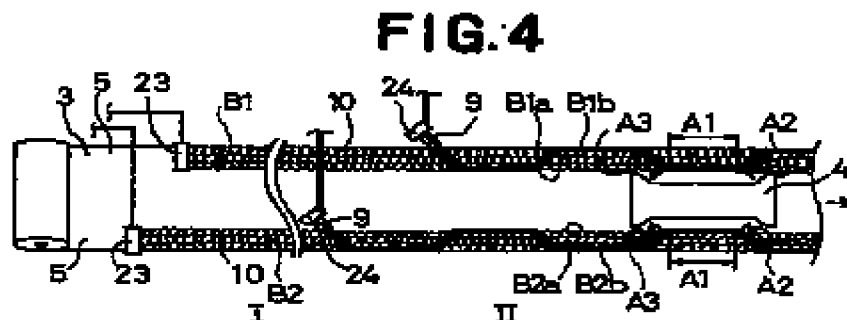
Fig. 16

Accordingly, independent claim 1 and dependent claims 3 and 4 are believed to be in condition for allowance.

Claims 8 and 9 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent Publication No. 2001002515 to Shimoe ("Shimoe"). Withdrawal of the rejection is requested for at least the following reasons.

As amended, independent claim 8 sets forth a method for producing an article comprising, *inter alia*, a supply step of supplying an elastic material, a separating step of cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and a changing step of changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state. An elastic piece is then transferred to a web. These features have not been found in Shimoe, or any of the other references applied by the Examiner.

Shimoe discloses a disposable sanitary article having elastic members 9 associated with leg-openings secured under tension to the article along transversely opposite side edge portions of the sanitary article. Shimoe discloses applying the elastic members 9 to a continuous web 3 as continuous strip to describe a pair of waveforms (see Shimoe para [0037]), as illustrated in the portion of Fig. 4 reproduced below. Shimoe is silent regarding cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and a changing step of changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state, as set forth in claim 8.



Accordingly, independent claim 8, and claim 9 dependent thereon, are believed to be allowable for at least this reason.

Claims 10 and 11 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,239, 578 to Gore ("Gore"). Withdrawal of the rejection is requested for at least the following reason.

As amended, independent claim 10 sets forth a method for producing an article comprising, *inter alia*, a supply step of supplying an elastic material, a separating step of cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and a changing step of changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state. An elastic piece is then transferred to a web. These features have not been found in Gore, or any of the other references applied by the Examiner.

Gore discloses an apparatus for inserting elastic strips 16 into elastic leg diapers. The continuous elastic strips 16 are applied to a bottom cover sheet 12. See column 3, lines 54-62. Gore is silent regarding cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state, as set forth in amended claim 10.

Accordingly, independent claim 10 and dependent claim 11 are believed to be allowable for at least this reason.

Claim 12 was rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,554,815 to Umebayashi ("Umebayashi"). Withdrawal of the rejection is requested for at least the following reason.

As amended, independent claim 12 sets forth a method for producing an article comprising, *inter alia*, a first changing step of changing the interval between two adjacent pieces of first stretched sheets after the pieces are cut and while the pieces are maintained in a stretched state, and a second changing step of changing the

interval between two adjacent pieces of second stretched sheets after the pieces are cut and while the pieces are maintained in a stretched state; These features have not been found in Umebayashi, or any of the other references applied by the Examiner.

Umebayashi discloses disposable under-shorts comprising a fit-gather laminate 2 formed by disposing an elastic member 1 between a pair of upper and lower non-woven fabric sheets 6 and 7 in the width direction, fixing the elastic member 1 to portions of the non-woven fabric sheets 6 and 7, except in a width-wise center part of the non-woven fabric sheets 6 and 7, and cutting the elastic member 1 in the region of the width-wise center parts of the sheets 6 and 7. See abstract. Thus, unlike claim 12, Umebayashi discloses applying a continuous elastic member to the sheets and subsequently separating the elastic member into pieces.

Accordingly, claim 12 is believed to be allowable for at least this reason.

V. REJECTION OF CLAIMS 5, 6, AND 7 UNDER 35 USC §103(a)

Claim 5 was rejected as being unpatentable over Van Vliet in view of U.S. Patent No. 3,629,039 to Frick ("Frick"). Claim 5 depends from claim 1 which was rejected as being unpatentable over Van Vliet. Frick does not overcome the deficiencies of Van Vliet vis-a-vis the claimed invention. Accordingly, claim 5 is believed to be allowable for at least this reason.

Claims 6 and 7 were rejected as being unpatentable over U.S. Patent Publication No. 2002012988 to Otsubo et al. ("Otsubo") in view of U.S. Patent No. 4,720,415 to Vander Weilen et al. ("Vander Weilen") and/or U.S. Patent Publication No. 20020148557 to Heller et al. ("Heller"). Withdrawal of the rejections is respectfully requested for at least the following reasons.

First, it is noted that claims 6 and 7 depend from claim 1. Claim 1 was rejected as being unpatentable over Van Vliet. It is respectfully submitted that neither Otsubo, Vander Weilen, or Heller overcome the deficiencies of Van Vliet, and thus claims 6 and 7 are believed to be allowable.

Otsubo discloses a pants-type diaper having front and rear waist members formed by feeding first and second elastic members in parallel to each other in a machine direction so as to describe substantially sinusoidal curves. The elastic members are then secured to one surface of a web. The web, including the elastic members, is then transversely bisected between the first and second elastic members. Thus, Otsubo does not disclose a separating step of cutting pieces of elastic from the elastic material when the elastic material is in a stretched state, and a changing step of changing the interval between two adjacent pieces of elastic while the pieces are maintained in the stretched state. Neither Vander Weilen or Heller overcome this deficiency.

Accordingly, claims 6 and 7 are believed to be allowable for this additional reason.

VI. CONCLUSION

Accordingly, claims 1 and 3-13 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Application No.: 10/730,707

Respectfully submitted,
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